



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Agriculture

- ☒ Preproposal Statement of Inquiry was filed as WSR 04-22-094; or
☐ Expedited Rule Making--Proposed notice was filed as WSR _____; or
☐ Proposal is exempt under RCW 34.05.310(4).

- ☒ Original Notice
☐ Supplemental Notice to WSR _____
☐ Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject) WAC 16-303-340 Seed certification fees for buckwheat, chickpea, field pea, lentil, millet, soybean, sorghum and small grains.

Hearing location(s):

Washington State Department of Agriculture
21 North First Avenue
Suite 103 Conference Room
Yakima, WA 98902

Date: January 31, 2005 Time: 11:00 a.m.

Submit written comments to:

Name: George Huffman
Address: Department of Agriculture
P.O. Box 42560, Olympia, WA 98504-2560
e-mail ghuffman@agr.wa.gov
fax (360) 902-1802 by 5:00 p.m. on January 31, 2005

Assistance for persons with disabilities: Contact

Virginia Walsh by January 24, 2005

TTY (360) 902-1976

Date of intended adoption: February 14, 2005
(Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules: This proposal is intended to assure that fees charged for Washington Crop Improvement Association services are sufficient to recover operating costs. Seed certification fees for buckwheat, chickpea, field pea, lentil, millet, soybean, sorghum and small grains would be increased by the OFM fiscal growth rate factor for fiscal year 2005 (3.03%).

Reasons supporting proposal: The proposed fee increases are necessary to help offset inflationary increases in the cost of operating the Washington State Crop Improvement Association.

Statutory authority for adoption: Chapter 34.05 RCW and
RCW 15.49.370(3) and 15.49.310

Statute being implemented: 15.49.370(3) RCW

Is rule necessary because of a:

- Federal Law? ☐ Yes ☒ No
Federal Court Decision? ☐ Yes ☒ No
State Court Decision? ☐ Yes ☒ No
If yes, CITATION:

DATE

December 22, 2004

NAME (type or print)

Robert W. Gore

SIGNATURE

TITLE Assistant Director

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

DEC 22 2004

TIME

WSR

1115
05-01-230

AM
PM

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

none

Name of proponent: (person or organization) Washington State Crop Improvement Association

- ☒ Private
☐ Public
☐ Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Victor Shaul	Yakima	(509) 225-2630
Implementation.... Victor Shaul	Yakima	(509) 225-2630
Enforcement..... Fawad Shah	Yakima	(509) 225-2630

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☐ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

☒ No. Explain why no statement was prepared.

WSDA concludes that the proposed increases in current fees, based upon the OFM fiscal growth rate factor, does not impose a "more than minor cost" on the seed industry and, therefore, a SBEIS is not required according to RCW 19.85.030 (1)(a).

Is a cost-benefit analysis required under RCW 34.05.328?

☐ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

☒ No: Please explain: The Washington State Department of Agriculture is not a listed agency under RCW 34.05.328(5)(a)(i) and, therefore, a cost-benefit analysis is not required.

AMENDATORY SECTION (Amending WSR 04-06-029, filed 2/24/04, effective 3/26/04)

WAC 16-303-340 Seed certification fees for buckwheat, chickpea, field pea, lentil, millet, soybean, sorghum and small grains. (1) Seed certification fees for buckwheat, chickpea, field pea, lentil, millet, soybean, sorghum and small grains are as follows:

(a) Application fee per variety per grower	\$((20.66)) <u>21.28</u>
(b) Field inspection fee per acre except millet and hybrid sorghum	\$((2.86)) <u>2.94</u>
(c) Millet - first acre	\$((30.73)) <u>31.66</u>
-each additional acre	\$((6.13)) <u>6.31</u>
(d) Hybrid sorghum - first acre	\$((30.73)) <u>31.66</u>
-each additional acre	\$((12.28)) <u>12.65</u>
(e) Special field inspection fee per acre	\$((2.44)) <u>2.51</u>
(f) Late application fee	\$((19.36)) <u>19.94</u>
(g) Reinspection fee	\$((38.76)) <u>39.93</u>
minimum for each field which did not pass field inspection plus \$((0.42)) <u>0.43</u> for each acre over twenty-five. The reinspection fee for isolation requirements only for a field of any size is \$((38.76)) <u>39.93</u> .	
(h) Final certification fee	\$((0.240)) <u>0.245</u>
per cwt. of clean seed sampled, which is charged to conditioning plant, or production fee	\$0.105
per cwt. of production from fields inspected which is utilized for seed, which is charged to the grower or the final seller prior to brokerage, retail sale, sale to plant not approved for conditioning certified seed, or transshipment out-of-state.	
(i) Sampling fee	\$0.105

per cwt. of clean seed sampled, with
minimum charge of ~~((ten dollars))~~ \$10.30
per sample, which is charged to
conditioning plant in lieu of mechanical
sampling.

(2) A field may be withdrawn upon notification by the applicant to the certifying agency's office before field inspection. In such case, the field inspection fee is refunded upon request until June 30 of the year following harvest.

(3) Harvest before field inspection causes forfeitures of both the application and field inspection fees, and completion of certification.